GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

STARRED QUESTION NO:323
ANSWERED ON:20.03.2001
ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) ACT 1983
JAIBHAN SINGH PAWAIYA;VIJAY KUMAR KHANDELWAL

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government agree that Illegal Migrants (Determination by Tribunals) Act,1983 has become discriminatory for the identification of foreign nationals in Assam;

(b) if so, the facts thereof;

(c) the number of foreign nationals, particularly the Bangladeshi intruders deported since inception of the said Act;

(d) the number of their cases pending for disposal before the tribunals;

(e) whether the Government have taken any final decision to repeal the said Act; and

(f) if not, the time by which a final decision is likely to be taken in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (I.D. SWAMI)

(a) to (f): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (f) OF LOK SABHA STARRED QUESTION NO.323 DA 20.03.2001 RELATING TO ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) ACT, 1983.

(a) & (b): The Government is of the view that the Illegal Migrants (Determination by Tribunals) Act, 1983 (IMDT) in its application to the State of Assam alone, is discriminatory. The main grounds of discrimination in view of the Central Government inter-alia are:

(i) Except Assam, the Foreigners Act, 1946 is applicable in rest of the country for detection and deportation of foreigners (illegal migrants) staying unlawfully in the country.

(ii) Different laws cannot be applied for detection of same class of people depending merely on the place where they are detected;

(iii) Certain provisions of the IMDT Act, 1983 may be violative of Article 14 and 21 of the Constitution of India.

(c): since the inception of the IMDT Act, on 15.10.1983 and upto 31.08.2000, 1,487 illegal migrants have been physically deported from the country.

(d): 24,836 cases are pending (upto 31.8.2000) with the Tribunals constituted under the IMDT Act, 1983.

(e): No Sir.

(f): No time-frame can be specified by the Government for the final decision to repeal the IMDT Act, 1983.